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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,705	11/15/2000	Paul F. Struhsaker	WEST14-00004	5330
23990	7590	03/09/2006	EXAMINER	
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380				SOBUTKA, PHILIP
		ART UNIT		PAPER NUMBER
		2684		

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/042,705	STRUHSAKER ET AL.
	Examiner	Art Unit
	Philip J. Sobotka	2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-26 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 November 2000 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharath et al (US 6,792,286) in view of Lim (US 5,995,851).

Consider claim 1. Bharath teaches an apparatus for providing access on a fixed wireless network comprising:

a subscriber access device mounted on the exterior of the subscriber premises  
(*Bharath shows the subscriber access device mounted on the roof as item 310 in figure 3 and shows the components of item 310 in figures 4a&b. Note that figures 4a, and b*

*show the subscriber device connecting through the walls to items 350,340 and 335 in the interior), the device comprising:*

*a wireless transceiver (Bharath figure 4a, item 450), communicating with the fixed wireless network (Bharath figure 3, item 300, described in column 5, lines 1-25) and both*

*a data interface for communication with a data processing device within the premises (Bharath see especially figure 4A, item 420 shown connecting through the wall to item 350 in the interior, and described in column 6, lines 10-40) and*

*a voice interface capable communicating with a telephony device within said subscriber premises (Bharath see figure 4a, items 430, shown connecting through the wall to items 340 and 335 in the interior, and described in column 6, lines 10-30).*

Bharath lacks a teaching of a backup power supply capable of providing power to said subscriber access device in the event of a failure of main AC power in said subscriber premises.

Lim, in a similar apparatus for providing subscriber access on a fixed wireless network (*Lim see especially column 1, lines 6-37*), teaches a backup power supply capable of providing power to said subscriber access device in the event of a failure of main AC power in said subscriber premises (*Lim see especially column 3, lines 55-62*). Lim teaches using a DC converter to allow the exterior device to only require one cable for connection since the RF and DC can use the same coax (*Lim column 11, lines 24-33*). It would have been obvious to one of ordinary skill in the art to modify Bharath with a back up power supply in order to allow the user to communicate in the event of a

power failure, as well as to eliminate the need for a separate power cable as taught by Lim.

As to claim 2, note that the back up power supply of Bharath in view of Lim would be inside the subscriber premises (*Lim teaches the power supply being indoors in column 11, lines 23-37*).

Consider claim 14. Bharath teaches an apparatus for providing access to a wire line network (*note that Bharath ultimately provides access to the wire line PSTN, shown in figure 3, described in column 5, lines 1-25*) comprising:

a subscriber access device mounted on the exterior of the subscriber premises (*Bharath shows the subscriber access device mounted on the roof as item 310 in figure 3 and shows the components of item 310 in figures 4a&b. Note that figures 4a, and b show the subscriber device connecting through the walls to items 350,340 and 335 in the interior*), the device comprising:

a transceiver interface (*Bharath figure 4a, item 450*), communicating with the wire line network. (*Bharath figure 3, item 300, described in column 5, lines 1-25. Note that the claim does not require the connection to be entirely wired, therefore the RF transceiver of Bharath is an interface to the wire line network*) and both

a data interface for communication with a data processing device within the premises (*Bharath see especially figure 4A, item 420 shown connecting through the wall to item 350 in the interior, and described in column 6, lines 10-40*) and

a voice interface capable communicating with a telephony device within said subscriber premises (*Bharath see figure 4a, items 430, shown connecting through the wall to items 340 and 335 in the interior, and described in column 6, lines 10-30*).

Bharath lacks a teaching of a backup power supply capable of providing power to said subscriber access device in the event of a failure of main AC power in said subscriber premises.

Lim, in a similar apparatus for providing subscriber access on a fixed wireless network (*Lim see especially column 1, lines 6-37*), teaches a backup power supply capable of providing power to said subscriber access device in the event of a failure of main AC power in said subscriber premises (*Lim see especially column 3, lines 55-62*). Lim teaches using a DC converter to allow the exterior device to only require one cable for connection since the RF and DC can use the same coax (*Lim column 11, lines 24-33*). It would have been obvious to one of ordinary skill in the art to modify Bharath with a back up power supply in order to allow the user to communicate in the event of a power failure, as well as to eliminate the need for a separate power cable as taught by Lim.

As to claim 15, note that the back up power supply of Bharath in view of Lim would be inside the subscriber premises (*Lim teaches the power supply being indoors in column 11, lines 23-37*).

4. Claims 1,3,4,9,14,16,17,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharath et al (US 6,792,286) in view of Uola (US 5,603,095).

Consider claim 1. Bharath teaches an apparatus for providing access on a fixed wireless network comprising:

a subscriber access device mounted on the exterior of the subscriber premises (*Bharath shows the subscriber access device mounted on the roof as item 310 in figure 3 and shows the components of item 310 in figures 4a&b. Note that figures 4a, and b show the subscriber device connecting through the walls to items 350, 340 and 335 in the interior*), the device comprising:

a wireless transceiver (*Bharath figure 4a, item 450*), communicating with the fixed wireless network (*Bharath figure 3, item 300, described in column 5, lines 1-25*) and both

a data interface for communication with a data processing device within the premises (*Bharath see especially figure 4A, item 420 shown connecting through the wall to item 350 in the interior, and described in column 6, lines 10-40*) and

a voice interface capable communicating with a telephony device within said subscriber premises (*Bharath see figure 4a, items 430, shown connecting through the wall to items 340 and 335 in the interior, and described in column 6, lines 10-30*).

Bharath lacks a teaching of a backup power supply capable of providing power to said subscriber access device in the event of a failure of main AC power in said subscriber premises.

In a similar apparatus for providing subscriber access on a fixed wireless network (*Uola see especially figure 1, described in column 3, line 58 – column 4, line 22*), Uola teaches a backup power supply capable of providing power to said subscriber access

device in the event of a failure of main AC power in said subscriber premises (*Uola see especially column 4, line 50 – column 5, line 15*). Note also that Uola teaches the backup power supply being part of the subscriber terminal (*Uola notes that the terminal comprises the backup power supply in column 4, line 50 – column 5, line 15*) It would have been obvious to one of ordinary skill in the art to modify Bharath with a back up power supply as taught by Uola in order to allow the user to communicate in the event of a power failure.

As to claim 3, note that the backup power supply of Bharath in view of Uola would have the subscriber terminal comprising the backup power (*Uola notes that the terminal comprises the backup power supply in column 4, line 50 – column 5, line 15*), and the subscriber terminal is mounted outside the premises on the roof in Bharath (*Bharath shows the subscriber access device mounted on the roof as item 310 in figure 3 and shows the components of item 310 in figures 4a&b. Note that figures 4a, and b show the subscriber device connecting through the walls to items 350,340 and 335 in the interior*).

As to claim 4, Bharath lacks a teaching of a power monitor for detecting low power or power failure and transmitting an alarm to the fixed wireless network. Note that Uola also teaches a power monitor for detecting low power or power failure and transmitting an alarm to the fixed wireless network (*Uola see especially column 4, line 50 – column 5, line 15*). It would have been obvious to one of ordinary skill in the art to modify Bharath to use the power monitor and alarm arrangement of Uola in order to ensure that any problems in operation was immediately noted for correction

As to claim 9, note that Bharath teaches a data interface for communication with a data processing device within the premises (*Bharath see especially figure 4A, item 420 shown connecting through the wall to item 350 in the interior, and described in column 6, lines 10-40*).

Consider claim 14. Bharath teaches an apparatus for providing access to a wire line network (*note that Bharath ultimately provides access to the wire line PSTN, shown in figure 3, described in column 5, lines 1-25*) comprising:

a subscriber access device mounted on the exterior of the subscriber premises (*Bharath shows the subscriber access device mounted on the roof as item 310 in figure 3 and shows the components of item 310 in figures 4a&b. Note that figures 4a, and b show the subscriber device connecting through the walls to items 350,340 and 335 in the interior*), the device comprising:

a transceiver interface (*Bharath figure 4a, item 450*), communicating with the wire line network. (*Bharath figure 3, item 300, described in column 5, lines 1-25. Note that the claim does not require the connection to be entirely wired, therefore the RF transceiver of Bharath is an interface to the wire line network*) and both

a data interface for communication with a data processing device within the premises (*Bharath see especially figure 4A, item 420 shown connecting through the wall to item 350 in the interior, and described in column 6, lines 10-40*) and

a voice interface capable communicating with a telephony device within said subscriber premises (*Bharath see figure 4a, items 430, shown connecting through the wall to items 340 and 335 in the interior, and described in column 6, lines 10-30*).

Bharath lacks a teaching of a backup power supply capable of providing power to said subscriber access device in the event of a failure of main AC power in said subscriber premises.

In a similar apparatus for providing subscriber access on a fixed wireless network (*Uola see especially figure 1, described in column 3, line 58 – column 4, line 22*), Uola teaches a backup power supply capable of providing power to said subscriber access device in the event of a failure of main AC power in said subscriber premises (*Uola see especially column 4, line 50 – column 5, line 15*). Note also that Uola teaches the backup power supply being part of the subscriber terminal (*Uola notes that the terminal comprises the backup power supply in column 4, line 50 – column 5, line 15*) It would have been obvious to one of ordinary skill in the art to modify Bharath with a back up power supply as taught by Uola in order to allow the user to communicate in the event of a power failure.

As to claim 16, note that the backup power supply of Bharath in view of Uola would have the subscriber terminal comprising the backup power (*Uola notes that the terminal comprises the backup power supply in column 4, line 50 – column 5, line 15*), and the subscriber terminal is mounted outside the premises on the roof in Bharath (*Bharath shows the subscriber access device mounted on the roof as item 310 in figure 3 and shows the components of item 310 in figures 4a&b. Note that figures 4a, and b show the subscriber device connecting through the walls to items 350,340 and 335 in the interior*).

As to claim 17, Bharath lacks a teaching of a power monitor for detecting low power or power failure and transmitting an alarm to the fixed wireless network. Note that Uola also teaches a power monitor for detecting low power or power failure and transmitting an alarm to the fixed wireless network (*Uola see especially column 4, line 50 – column 5, line 15*). It would have been obvious to one of ordinary skill in the art to modify Bharath to use the power monitor and alarm arrangement of Uola in order to ensure that any problems in operation was immediately noted for correction

As to claim 22, note that Bharath teaches a data interface for communication with a data processing device within the premises (*Bharath see especially figure 4A, item 420 shown connecting through the wall to item 350 in the interior, and described in column 6, lines 10-40*).

5. Claims 5-8,10,11,18,19,20,21,23,24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharath et al in view of Uola and in view of Macera et al (US 5,490,252).

Consider claims 5,6. Bharath in view of Uola as applied to claim 1 above, lacks a teaching of the data processing interface being a removable module configured as T1/E/1. Macera teaches a removable data interface module configured as T1/E1 (*Macera see especially column 5, line 65 – column 6, line 21. Macera teaches that this configuration is compatible with Ethernet LAN's as described in column 5, line 65 – column 6, line 21*). It would have been obvious to one of ordinary skill in the art to configure the data interface as shown in Macera in order to allow for easy swap out

when needed as well as making it compatible with T1/E1 lines, as well as Ethernet LAN's.

As to claim 7, as applied to claim 5 above, Bharath in view of Uola and Macera teach use of T1/E1. However they lack a teaching of using T3/E3 lines. Official Notice it taken that T3/E3 lines are well know in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify the interface to ensure it was compatible with subscribers having T3/E3 lines.

As to claim 8, note that Bharath in view of Uola and in view of Macera as applied to claim 5 above also teaches the module communicating via an LAN (*Macera see especially column 5, line 65 – column 6, line 21*), however the combination lacks a teaching of the LAN being wireless. Official Notice is taken that wireless LAN's are notoriously well known in the art. It would have been obvious to one of ordinary skill in the art to modify Bharath in view of Uola and in view of Macera to communicate via wireless LAN in order to allow the data terminals to be placed anywhere without having to extensively wire the premises.

As to claim 10, note that Bharath in view of Uola and in view of Macera as applied to claim 5 above, also teaches the module communicating via an Ethernet LAN (*Macera see especially column 5, line 65 – column 6, line 21*).

As to claim 11, while Bharath in view of Uola and in view of Macera as applied to claim 5 above teaches an Ethernet interface, it is silent as to the particular standard used by the Ethernet card. Official Notice it taken that the claimed standard is well known in the art. Therefore it would have been obvious to one of ordinary skill in the art

to modify the interface to ensure it was compatible with subscribers using a particular standard.

Consider claims 18,19. Bharath in view of Uola as applied to claim 14 above, lacks a teaching of the data processing interface being a removable module configured as T1/E1. Macera teaches a removable data interface module configured as T1/E1 (*Macera see especially column 5, line 65 – column 6, line 21. Macera teaches that this configuration is compatible with Ethernet LAN's as described in column 5, line 65 – column 6, line 21*). It would have been obvious to one of ordinary skill in the art to configure the data interface as shown in Macera in order to allow for easy swap out when needed as well as making it compatible with T1/E1 lines, as well as Ethernet LAN's.

As to claim 20, as applied to claim 18 above, Bharath in view of Uola and Macera teach use of T1/E1. However they lack a teaching of using T3/E3 lines. Official Notice it taken that T3/E3 lines are well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify the interface to ensure it was compatible with subscribers having T3/E3 lines.

As to claim 21, note that Bharath in view of Uola and in view of Macera as applied to claim 18 above also teaches the module communicating via an LAN (*Macera see especially column 5, line 65 – column 6, line 21*), however the combination lacks a teaching of the LAN being wireless. Official Notice is taken that wireless LAN's are notoriously well known in the art. It would have been obvious to one of ordinary skill in the art to modify Bharath in view of Uola and in view of Macera to communicate via

wireless LAN in order to allow the data terminals to be placed anywhere without having to extensively wire the premises.

As to claim 23, note that Bharath in view of Uola and in view of Macera as applied to claim 18 above, also teaches the module communicating via an Ethernet LAN (*Macera see especially column 5, line 65 – column 6, line 21*).

As to claim 24, while Bharath in view of Uola and in view of Macera as applied to claim 18 above teaches an Ethernet interface, it is silent as to the particular standard used by the Ethernet card. Official Notice it taken that the claimed standard is well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify the interface to ensure it was compatible with subscribers using a particular standard.

6. Claims 12,13, 25,26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharath et al in view of Uola and in view of Willer (US 6,836,546).

Consider claims 12,13. Bharath in view of Uola as applied to claim 1 above, lacks a teaching of utilizing a shared voice & data twisted pair according to the HPNA protocol. Willer teaches utilizing shared voice and data twisted pair according to the HPNA protocol (*Willer see especially column 3, lines 64 – column 4, line 25*). It would have been obvious to one of ordinary skill in the art to modify Bharath in view of Uola to use the combined twisted pair arrangement as taught by Willer in order to reduce the amount of wiring required while still conforming to accepted protocols.

Consider claims 25,26. Bharath in view of Uola as applied to claim 14 above, lacks a teaching of utilizing a shared voice & data twisted pair according to the HPNA protocol. Willer teaches utilizing shared voice and data twisted pair according to the HPNA protocol (*Willer see especially column 3, lines 64 – column 4, line 25*). It would have been obvious to one of ordinary skill in the art to modify Bharath in view of Uola to use the combined twisted pair arrangement as taught by Willer in order to reduce the amount of wiring required while still conforming to accepted protocols.

### **Response to Arguments**

7. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.
8. Applicant's arguments regarding Bharat have been fully considered but they are not persuasive.

Applicant alleges that Bharat does not teach a controller unit mounted on the exterior of a building, and points to the item 310 in figure 3 as a mere "black box" with unknown components. However the interior of item 310 is clearly shown in figure 4 to contain the radio and control components of the box 310, shown mounted on the roof in figure 3, and the drawing shows the cabling to the telephone and computer crossing the wall into the interior.

### **Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-

272-7887. The examiner can normally be reached Monday through Friday from 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177.

10. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



3/6/6

PHILIP J. SOBUTKA  
PATENT EXAMINER

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